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★ AUG 4 - 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

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EFRAIN ARAUZ, JR.,

Plaintiff,

00 CV 6671 (SJ)

-against-

MEMORANDUM
and ORDER

MAIMONIDES MEDICAL CENTER,
CYNTHIA MAGLASANG, DR. HERMAN
TESSLER, DR. BARRY RAND, DR. MIOARA
PIRICSI, LOUISE VALERIO, CAMILLE
SCARCIOTTA and DEREK GOINS,

Defendants.
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A P P E A R A N C E S:

A. GROSS & ASSOCIATES
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By: David Howard Diamond
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JOHNSON, Senior District Judge:

Efrain Arauz, Jr. ("Plaintiff") brings this action against Maimonides Medical Center, Cynthia Maglasang, Dr. Herman Tessler, Dr. Barry Rand, Dr. Mioara Piricsi, Louise Valerio, Camille Scarciotta and Derek Goins (collectively, "Defendants"),

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alleging national origin, gender, and disability discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq., the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., the New York City Human Rights Law, N.Y. Exec. Law § 296(1), New York State Human Rights Law, N.Y.C. Admin. Code § 8-107(1); race discrimination under 42 U.S.C. § 1981; and state law claims of gross negligence, prima facie tort, intentional infliction of emotional distress, and false imprisonment.

On November 8, 2000, this Court referred the case to Magistrate Judge Joan M. Azrack. On November 8, 2004, Plaintiff filed a Motion to Amend the Amended Complaint to add the following additional defendants: Mary Cautadella, Sandra Rosen, Jocelyn Dayrit and Hannah Weiss (collectively, "proposed defendants"). On March 15, 2005, Magistrate Judge Azrack issued a Report and Recommendation ("Report"), recommending that Plaintiff be allowed to add the proposed defendants only as to Plaintiff's § 1981 claims, provided that no additional discovery is necessary.

A district court judge may designate a magistrate to hear and determine certain motions pending before the court and to submit to the court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within ten (10) days of service of the recommendation, any party may file written objections to the magistrate's report. See id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. See id.

The court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's Order. See 28 U.S.C. § 636(b)(1); Small v. Sect'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

Objections in this case were due within ten (10) days of the date of service. No objections to the Report were filed with this Court. Upon review, this Court adopts and affirms Magistrate Judge Azrack's Report dated March 15, 2005 in its entirety.

SO ORDERED.

Dated: April 7, 2005
Brooklyn, New York

s/SJ

Senior U.S.D.J.